

United States District Court

Northern District of New York

CIVIL JUDGMENT

MARTIN O. KOSICH, M.D.

Plaintiff

VS.

1:06-CV-246 (FJS) (DRH)

**NEW YORK STATE DEPARTMENT OF HEALTH, THE BUREAU OF PROFESSIONAL
MEDICAL CONDUCT, and THE STATE OF NEW YORK**

Defendants'

[X] Decision by Court. This action came to trial or hearing before the Court.
The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That plaintiff's motion for preliminary injunction is denied because this Court does not have subject matter jurisdiction over this action, further ordered that the defendants' motion to dismiss is denied as moot. Judgment is hereby entered in favor of the defendants' and the case is closed.

All of the above pursuant to the Order of the Honorable Senior Judge Frederick J. Scullin, Jr., dated the 21st day of August, 2006.

AUGUST 31, 2006

LAWRENCE K. BAERMAN

DATE

CLERK OF COURT

s/

**JOANNE BLESKOSKI
DEPUTY CLERK**